

# COUNTY OF LINCOLN

## New Mexico Regular Meeting Board of County Commissioners

Preston Stone, Chair  
Dallas Draper, Vice Chair

Thomas F. Stewart, Member  
Elaine Allen, Member  
Lynn Willard, Member

### Minutes

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on April 19, 2016 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New Mexico.

#### 1. Call to Order

Chair Stone called the Regular Meeting of the Board of County Commissioners to order at 8:29 AM.

#### 2. Roll Call

##### Roll Call.

**Present:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Others present included Nita Taylor, County Manager; Alan Morel, County Attorney; and Rhonda Burrows, County Clerk.

#### 3. Invocation

The invocation was presented by Commissioner Stewart.

#### 4. Pledge of Allegiance

- a. Pledge – US Flag
- b. Salute – NM Flag

#### 5. Approval of Agenda

**Motion:** Acceptance of the Agenda and authorized the Chair to move items as necessary,

**Action:** Approve, Moved by Commissioner Draper, **Seconded** by Commissioner Stewart.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

#### 6. Approval of Minutes

March 10, 2016 – Special Commission Meeting

March 15, 2016 - Regular Commission Meeting

**Motion:** Approve the minutes of the March 10, 2016 Special Meeting with minor correction and the March 15, 2016 Regular Meeting; **Action:** Approve, Moved by Commissioner Stewart, **Seconded** by Commissioner Allen.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

#### 7. Approval of Consent Agenda

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending March 31, 2016
- c. 2016 Fire Fund Distribution Applications
- d. Agreement to Provide Occupational Health Services

- e. Donation of Surplus Items to Magistrate Court, Carrizozo by Resolution 2015-38
- f. Fair Housing Month Proclamation

**Motion:** Approval of Consent items as presented, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

Commissioner Stewart requested clarification of several expenditures presented for approval.

Commissioner Stewart suggested a change to the Fair Housing Proclamation to reflect the designation as Fair Housing Day rather than Month.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

**SEE EXHIBIT A:** Copies of Consent including Resolution 2015-38 are attached hereto in reference thereto made a part whereof.

#### **8. Board of Finance – County Treasurer Calaway**

Nita Taylor, Manager reminded New Mexico State Statute 6-10-8 defined the oversight duties of the Board of County Commissioners serving as the Board of Finance for the County. Ms. Taylor noted these duties include a responsibility to periodically receive a report from the County Treasurer and to review investments and expenditures.

Chair Stone recessed the Regular Meeting and convened the Board of Finance at 8:39 AM.

Beverly Calaway, Treasurer provided a review of the Treasurer's Report for the month ending March 31, 2016. Ms. Calaway noted the beginning cash balance in July of 2015 was \$8,096,474.77 and revenues received as of March 2016 were \$8,708,041.32. Ms. Calaway stated transfers out of the General Fund totaled \$4,010,026.05 to date as compared to \$5,987,381.99 at this time last year.

Ms. Calaway stated 70% of projected revenues for the fiscal year were collected as of March 31, 2016 and noted the County's Payment in Lieu of Taxes (PILT), estimated at \$1,695,000 was anticipated in mid-June.

Ms. Calaway stated the Treasurer's office had collected 79% of budgeted revenues for this fiscal year from Property Tax Payments in addition to 84% of delinquent property tax revenues. Ms. Calaway informed Title Examiners from the NM State Property Tax Division (PTD) had researched Lincoln County's delinquent property tax list during the last six weeks. Ms. Calaway stated notices to property tax owners and physical red tagging of properties resulted in the collection of \$84,000 in delinquent property taxes during the month of March. Ms. Calaway stated PTD had set the Lincoln County Delinquent Property Tax Sale for July 27, 2016 with 116 properties listed totaling \$264,404 in delinquent taxes.

Ms. Calaway reviewed current investments including approximately \$3,100,000 invested in Certificates of Deposit or Government Backed Securities for debt service and the retention of required reserves in the amount of \$1,418,460. Ms. Calaway stated the Treasurer's office held \$18,500,000 in investments in local banks and \$162,108 in Fire Department Funds were invested with the New Mexico Finance Authority.

Ms. Calaway stated the total cash held by the Treasurer on March 31, 2016 was \$21,456,036 as compared to \$17,342,080 in March of 2015. Ms. Calaway informed the increase in total cash held reflected the receipt of approximately \$2,000,000 in FEMA funds; an increase of \$1,000,000 in property tax revenues; increased revenues from the housing of prisoners, and the hospital lease payment.

Commissioner Stewart questioned if the approximately \$2,000,000 in FEMA funds held by the County was committed to future work projects.

Ms. Calaway stated approximately \$276,000 of the FEMA funding was reimbursement for past work and \$1,700,000 was received for future work.

Commissioner Willard clarified should Lincoln County choose not to perform the defined work projects the \$1,700,000 would revert to FEMA.

Sherri Huddleston, Chief Deputy Treasurer discussed the process to "de-obligate" and return unspent funding to FEMA. Ms. Huddleston also confirmed the County's required match for FEMA funding was 12.5% of project costs.

Chair Stone stated belief the County also held approximately \$660,000 in funds with the option to utilize those funds for the County's match on future projects or to reimburse the General Fund.

Ms. Huddleston concurred and noted Lincoln County had received approximately \$700,000 in reimbursement for past projects which could revert to the General Fund or be utilized for future match.

Chair Stone adjourned the Board of Finance Meeting and reconvened the Regular Meeting at 8:47 AM.

**9. Carrizozo Sr. Center - Request for Time Extension and Additional Services:  
Presented by Architect Howard Kaplan and Contractor Ryan Roper**

Ms. Taylor informed necessary modifications to the building's plumbing design and a delay in receipt of the approved roofing material resulted in a request from Contractor Ryan Roper for a forty three day extension on the contractual completion date. Ms. Taylor stated the contract specified date for completion was June 3, 2016 and reminded the project's Community Development Block Grant (CDBG) funding expired on July 31, 2016. Ms. Taylor also presented information regarding two requests for additional action to repair the sidewalk in front of the building and to revise drainage from the site.

Howard Kaplan, Architect with Wilson and Company, reminded the project was initially delayed due to the NM Construction Industries Division's delay in issuing the project permit. Mr. Kaplan stated the mechanical engineers failed to directly identify drainage issues in the facility's kitchen resulting in a redesign by his firm at no cost and an agreement to offset costs incurred by the plumber due to the delay. Mr. Kaplan stated the delay in receipt of roofing resulted from a change from a premium color to a standard color in an effort to save approximately \$1500.

**Motion:** Grant the request for 43 day extension for the project and direct the Manager to request a CDBG extension, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Ryan Roper, Contractor discussed the problem associated with the removal of asphalt paving from the plan and the resulting drainage issue from the lower finish elevation. Mr. Roper expressed concern about the current site drainage but noted the architectural firm was responsible for design.

Mr. Kaplan stated he had discussed the drainage issues with Mr. Roper and acknowledged the lack of paving would contribute to the problem. Mr. Kaplan stated the ponding area on the south side was designed for a severe event but concurred with Mr. Roper on the suggested installation of a sidewalk drain.

**Vote:** Motion passed (summary: Yes = 4, No = 1, Abstain = 0).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.

**No:** Commissioner Draper.

Commissioner Stewart questioned the current status of the project budget. Commissioner Stewart suggested any sidewalk replacement or repair was the responsibility of the Town of Carrizozo.

Ms. Taylor stated funds were sufficient in the budget to cover the estimated \$2500 cost of sidewalk drainage. Ms. Taylor suggested the authorization of expenditure for drainage fix and consideration of paving of the site during the upcoming budget hearing.

**Motion:** Approve the expenditure for drainage and direct the Manager to work with the Town of Carrizozo on sidewalk repairs, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Chair Stone expressed a desire for the project to be of excellent quality and an asset to the community.

Commissioner Allen requested parties involved coordinate any additional work to install drainage with work to repair the sidewalk.

Mr. Roper stated the site tied into the existing sidewalk in three locations and in areas the sidewalk exceeded the lot elevation by three to four inches. Mr. Roper expressed concerns about the timing of sidewalk repairs by the Town of Carrizozo and the potential for additional delay.

Commissioner Stewart suggested the Manager engage in a discussion with the Town of Carrizozo and then revisit the subject during budget preparation.

**Vote:** Motion passed (summary: Yes = 4, No = 1, Abstain = 0).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.

**No:** Commissioner Draper.

#### **18. County Volunteer Fire Departments Matters**

##### **3. Grant Award Agreement between NM Energy, Minerals and Natural Resources Department and Lincoln County – White Oaks Volunteer Fire Department**

Javier Anderson, NM State Forestry Capitan District Forester explained the nature of the grant was to obtain \$10,000 in funding for the White Oaks Fire Department for personal protective equipment. Mr. Anderson acknowledged the grants required a 10% monetary match from Lincoln County but noted the White Oaks Fire Department had sufficient funding in the Departments Fire Fund to accommodate the match.

##### **4. Grant Award Agreement between NM Energy, Minerals and Natural Resources Department and Lincoln County – Hondo Valley Volunteer Fire Department**

Mr. Anderson informed the Hondo Valley Volunteer Fire Department received a similar grant award last year for \$12,773 but was unable to expend the funds prior to fiscal year end. Mr. Anderson stated this was a renewal of the prior agreement.

**Motion:** Approve the Grant Award Agreements with the NM Department of Energy, Minerals, and Natural Resources and the Hondo Valley and White Oaks Fire Departments, **Action:** Approve, **Moved by Commissioner Stewart, Seconded by Commissioner Willard.**

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

#### **10. 2016 Wildfire Seasonal Outlook: Presented by Tom Bird, National Weather Service**

Thomas Bird, National Weather Service Senior Forecaster, Fire Weather Program Leader, and Incident Meteorologist provided a detailed presentation on the "Fire and Weather Seasonal Outlook". Mr. Bird stated he developed the presentation to provide a preseason assessment of the 2016 Wildfire Season Outlook for land management agencies in the State of New Mexico.

Mr. Bird provided an analysis of New Mexico statewide temperatures and precipitation for 2015. Mr. Bird stated based on statewide averages, New Mexico was both the fifth warmest and fifth wettest state in the nation in 2015. Mr. Bird discussed the historically strong El Nino active through the summer and the associated precipitation. Mr. Bird also provided illustrations of the diminished snow pack in New Mexico due to warmer than normal conditions during the month of February.

Mr. Bird stated the monthly Fire Potential Outlook for March 2016 in this area was above normal due to potentially high winds and increased fine fuels. Mr. Bird noted the State of New Mexico was now in abnormally dry to moderated drought conditions despite increased precipitation this past year.

Mr. Bird defined the main considerations for the Southwest Seasonal Fire Potential as: drought status; fine fuels conditions; seasonal temperatures and precipitation; spring and early summer weather patterns; and the timing of monsoon weather. Mr. Bird noted 2016 had a "bumper crop" of carry over fine fuels and March of 2016 was the driest March on record for the State of New Mexico. Mr. Bird anticipated May and June as the months most likely to have above normal significant Wildland Fire Potential in this area.

**11. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS**

Commissioner Stewart reported the Joint Land Use Study group received notice the German Airforce would depart Holloman Air Force Base in 2019 after conducting operations there since 1992. Commissioner Stewart noted Otero County was the only non-signatory agency to the Joint Land Use Study (JLUS) in the area.

Commissioner Stewart attended a meeting on March 30, 2016 regarding the Fort Stanton Veterans Cemetery and reported work was proceeding with a target date for completion of March 2017.

Commissioner Stewart also reported on his attendance at the Otero-Lincoln County Regional Landfill meeting. Commissioner Stewart stated the organization was in the process of closing some cells and beginning construction on a new cell with an anticipated construction cost for each new cell of over \$1 million. Commissioner Stewart noted due to increased costs no rebates of excess funds were granted to members this year. Commissioner Stewart stated the facility had resolved issues with the New Mexico Environmental Department and the permit renewal was proceeding.

Rhonda Burrows, Clerk reminded the public May 10, 2016 was the last day to register to vote in the Primary Election. Ms. Burrows reminded voters must be registered as a major party member to vote in the Primary Election.

Shirley Crawford, Superintendent Capitan Schools discussed progress on the construction of a new building to house Middle and High School students. Ms. Crawford invited Commissioners and the public to tour the building site weekly on Thursday afternoons. Ms. Crawford stated the new building was designed to reflect a "collegiate setting" and would include the most recent technology.

Ms. Crawford also informed the combined Capitan Middle and High School Choir qualified for and received third place during the 2016 NM State Choir Competition. Ms. Crawford stated Capitan Schools were dedicated to continued education in fine arts and informed the Capitan High School Band also qualified to compete in the NM State Band Competition. Ms. Crawford also discussed current and past graduates who had qualified for the prestigious Daniels Scholarship.

**10. 2016 Wildfire Seasonal Outlook: Presented by Tom Bird, National Weather Service (continued)**

Chair Stone questioned Mr. Bird about the lack of winter moisture previously predicted as a "La Nina" event.

Mr. Bird stated a ridge of high pressure off the coast of California deflected the jet stream for approximately sixty days and limited the influence of "La Nina". Mr. Bird stated this ridge was unanticipated and was nicknamed "The Blob" by meteorologists.

Chair Stone expressed appreciation for the presentation.

**12. Lincoln County Extension Services Update on Activities – Marsha Palmer**

Marsha Palmer, County Program Director for the Lincoln County Extension Service provided an update on the goals and accomplishments through various programs in the last fiscal year. Ms. Palmer discussed the various roles of staff including her role as Family Consumer Science Agent; Audra Lyon serving as the 4-H and Agricultural Agent; Tara Morris the ICAN Nutrition Educator; and Mozell Sparks serving as the Administrative Assistant. Ms. Palmer informed the ICAN Nutrition Educator was a new staff position this year funded entirely through a US Department of Agricultural grant.

Ms. Palmer reminded the mission of the Cooperative Extension Service was to provide practical, research based knowledge and programs to improve quality of life for New Mexico residents. Ms. Palmer stated the three major program areas were Agriculture/Horticulture; Family Consumer Sciences and 4-H Youth Development.

Ms. Palmer discussed the various Family Consumer programs including diabetes education, nutritional education, obesity prevention, food safety and preservation, and parenting. Ms. Palmer discussed the various program activities designed to educate both adults and youth.



Ms. Palmer also discussed the ICAN Nutrition Educator's role as a coordinator with local schools to develop activities to promote improved nutrition.

Audra Lyon, 4-H and Agricultural Agent explained the role of the Extension Service in providing timely information to the public on topics and events related to agriculture and horticultural activities including the recent development of a quarterly newsletter. Ms. Lyon stated she continued to provide educational support for the Lincoln County Cooperative Weed Management regarding invasive and noxious weeds which cause negative environment and economic impact. Ms. Lyon stated she also organized a weed management workshop each year for which private pesticide applicators received Continuing Education Units required for licensure.

Ms. Lyon discussed the Lincoln County 4-H program and noted the Extension Service was responsible for providing leadership, program development and management support for the volunteers who were "the heart" of the 4-H program. Ms. Lyon stated this year the 4-H program had a 28% increase in volunteer hours and a new 4-H "Black Bear" Club was initiated to serve youth in the Ruidoso area. Ms. Lyon noted youth participation in Lincoln County 4-H increased by 14% despite a historic decline in participation statewide.

Ms. Lyon introduced current 4-H members present including Clay Bob Stearns, Maggie Rich, John Wyatt Hemphill, and Kristi Gallacher. Each of the members discussed the benefits of 4-H membership and the impact on their individual lives.

Ms. Lyon reminded Extension Service staff and 4-H members play a major role in the annual Lincoln County Fair as both participants and volunteer staff. Ms. Lyon informed the Junior Livestock Sale held during the Lincoln County Fair generated more than \$186,000 in sales for the youth of Lincoln County.

Ms. Lyon thanked the Lincoln County Commission for their continued support of the Extension Service and the local youth of Lincoln County.

### **13. Forest, Land & Natural Resources Matters:**

#### **a. Smokey Bear Ranger District**

Ms. Taylor informed Ranger Heath Noel was unable to attend the meeting but provided a written update. Ms. Taylor stated the update included information on the temporary reassignment of Travis Mosely, current Lincoln Nation Forest Supervisor to the USFS Regional Office. Ms. Taylor stated other district activities included continued actions to begin rebuilding the Southfork Campground and various coordinated efforts with other organizations for summer trail improvements.

#### **b. Cibola National Forest**

Ms. Taylor provided an update on current status of the Cibola National Forest Plan Revision including comprehensive workshops to identify and prioritize "Values at Risk" on each Ranger District as well as a review of the Dart Forest Plan. Ms. Taylor reported she attended a portion of two workshops hosted by the Cibola and Joe Kenmore, Office of Emergency Services Director attended the Cibola's pre-season coordination meeting for managing wildfires.

#### **c. Community Forester**

Rick Merrick, South Central Mountain RC and D Community Forester stated he had an informational booth at the Ruidoso Home and Garden Show and noted he was able to speak with a number of new property owners in the area. Mr. Merrick provided an update on the Eastern New Mexico University Speaker Series as well as thinning projects conducted through the current Collaborative Forest Restoration Program grant. Mr. Merrick reported over 140 people attended the Sacramento Mountain Wood Industry Summit. Mr. Merrick stated there were 26 speakers providing industry information and discussions of potential commercial business alternatives for the wood industry.

#### **d. Upper Hondo Soil and Water Conservation District**

Laura Johnson, Program Director stated the Conservation District was working with multiple agencies to identify the optimal timing for spraying of noxious weeds. Additionally the UHSWCD was providing vinegar for application to noxious weeds and would utilize a summer intern to map treatment areas. Ms. Johnson informed New Mexico State University and the New Mexico Department of Agriculture were in the process of updating the list of noxious and

invasive weeds and the UPHSWCD would petition the agencies to move species of the spiny and regular cocklebur, loco weed, nightshade and gypsum from the watch list to the primary list.

Ms. Johnson stated the UPHSWCD was participating with other agencies in the rehabilitation of the fire area on Moon Mountain including the provision of wattles and seed. Ms. Johnson also stated plans were in process to control weeds in the burn area.

Ms. Johnson reported the Salado Dam was recently inspected by the Office of the State Engineer and there were several study steps pending completion. Ms. Johnson reported one problem identified by the State Engineer's office was damage to the concrete intake tower due to individuals using the tower for target practice. Ms. Johnson stated the site was under the legal jurisdiction of the Bureau of Land Management but the District planned to conduct some public outreach and education about the costs associated with the damage.

Ms. Johnson discussed the UPHSWD's efforts to gather additional funding for activities through multiple grant applications including applications for watershed work and land stewardship.

Chair Stone questioned if the District had applied for any additional grants for control of noxious weeds.

Ms. Johnson stated the District had submitted three grant applications for weed management but had not received approval as of this date.

Chair Stone warned of a possible reduction in funding from Lincoln County for the weed management program due to budget constraints.

There was a discussion regarding the coordination of efforts between the State Land Office, South Central Mountain RC and D, and the UPHSWCD to rehabilitate the burn area on Moon Mountain and mitigate potential flooding during the monsoon season.

#### e. Office of State Engineer-Water Issues

Ms. Taylor reported there were no new applications for water transfers posted on the State Engineer's website this month.

#### 14. Lincoln County Solid Waste Collection Services - Update:

Ms. Taylor provided a detailed report of costs and activities associated with Lincoln County's assumption of Solid Waste Services summarized as follows:

##### a. Costs incurred by category:

Expenses for the first half of Fiscal Year 2015-2016:	\$ 1,178,245
Attorney Fees beginning December 2013:	\$ 476,178
General Ledger costs January 1 – April 13, 2016:	\$ 298,098

##### b. Equipment orders:

35 Poly Carts/35 Side Load Dumpsters	\$ 23,056
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##### c. Site Preparation:

Alto Mountain Village - Proposed relocation site unavailable  
 Cedar Creek - Permit for current site approved by US Forest Service  
 Laughing Horse Trail - New site development on Cora Dutton Road  
 Nosker/McCoy Property - Plans for relocation to Glencoe Fire Station #1  
 Buckhorn - Plans for relocation to Glencoe Fire Station #2  
 Hondo - County owned property no relocation planned  
 Lincoln - Short term lease with Village of Ruidoso and potential site purchase  
 Loma Grande - Permit for site issued by NM Department of Transportation  
 Ranches of Sonterra - Five year lease with Homeowners Association  
 San Patricio - Site unsafe continue search for relocation site  
 Sun Valley - Requested removal of Greentree Solid Waste compactor

##### d. Total Identified Exemptions to Solid Waste Billing: 836

##### e. Fees collected:

2015 Collections Jan – Apr 15	\$ 243,174
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2016 Collections Jan – Apr 15      \$ 322,439

2015 Total Collections                \$ 730,669

f. Requests for Services:

A number of requests were received for personal "dumpster" service.

A number of business customers within the County are not contracted for commercial service with another company and are not billed by the County as residential.

Ms. Taylor presented recommendations to consider a blanket waiver of past fees owed by residents who were subsequently granted exemption from billing as an "uninhabitable" property; to consider a new plan to offer "individual dumpster service"; and to develop a proposal for the creation of a Lincoln County Business License.

Linda Phillips, Solid Waste Billing Clerk provided information regarding Sierra Contracting's planned community clean up days in Lincoln, San Patricio, and Nogal. Ms. Phillips stated plans to continue to post additional information regarding Solid Waste disposal operations on the Lincoln County website.

Commissioner Stewart commented on the \$476,178 expended for legal fees for one governmental entity to sue another as an unfortunate cost born by tax payers. Commissioners Stewart also noted for the record the County expended over \$772,429 out of the General Fund including legal fees to assume solid waste services. Commissioner Stewart stated current collections appear sufficient to operate solid waste operations and the County should consider a mechanism to reimburse the General Fund over time for the funds expended.

There was additional discussion regarding businesses in the County who were not currently assessed a commercial fee by Greentree Solid Waste Authority nor billed a residential fee by Lincoln County.

Attorney Morel commented on the need to identify all businesses by some method, identify their method of payment, and further determine who should bill for services.

Commissioner Draper commented on the need to retain some funding for ongoing equipment replacement and other associated costs of operation.

Commissioner Willard suggested a review of all identified exemptions to verify validity to potentially increase revenues prior to any consideration of a rate increase.

**Motion:** Present all three recommendations with additional analysis for consideration at the May Regular Meeting, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

**15. Approval of Lodger's Tax Applications:**

- a. **Purpose:** Old Lincoln Days  
**Request:** \$20,270.26  
**Date(s) of Event:** Aug. 5-7, 2016  
**Presenter:** Kristie Morrow, Lincoln Pageant & Festival  
**LTC Approved:** \$16,220.00
- b. **Purpose:** Ruidoso Grindstone Trail Runs  
**Request:** \$2,030  
**Date(s) of Event:** July 30, 2016  
**Presenter:** Frederic Moras, Ski Run Road Challenge

Ms. Taylor requested consideration of the Ruidoso Grindstone Trail request after July 1, 2016 at the beginning of the next fiscal year.

**Motion:** Approve \$16,220.00 for Old Lincoln Days Application, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).



Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Chair Stone recessed the Regular Meeting at 11:56 AM and reconvened at 1:00 PM.

20. **1:00 PM Executive Session Pursuant to the Open Meetings Act.** Discussion of all Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).

**Motion:** To close the meeting for the purposes of an Executive Session to discuss Threatened and/or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1, Sub Paragraph H.(7) and the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8) and as follows:

New or Updated Matters since last report \*:

1. \**Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County, et al.* D-1329-CV-2007-01364. Suit filed: October 15, 2007. Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information. Hearing took place Dec. 18, 2013, and Stipulated Judgment was entered June 4, 2014 in favor of Ms. Cooper. Ms. Cooper filed an appeal June 10, 2014, and Judge John F. Davis was assigned Aug. 3, 2014. Joint Answer Brief of Defendants-Appellees' Steven Sederwall and Rick Virden with Request for Oral Argument filed in the Court of Appeals Sept. 28, 2015. Case was submitted to a panel of three judges for decision on February 1, 2016. Memorandum Opinion was filed March 23, 2016 affirming the district court's determination that statutory damages are not available and vacating \$100,000 punitive damages and attorney fee awards.
2. *Water Rights Protests: New Mexico State Engineer Hearing Numbers: 14-039 and 14-041.* Protests of Applications 01300-1, 01300-2, 01300-3, 0826-2 into 0275 et. al. and H-272 et al (T) and H-50-1 into H-272 et. al. (T) filed July 15, 2013 pertaining to movement / transfer of water rights from the Hondo Valley to the Village of Ruidoso and the City of Ruidoso Downs. Docketing Order filed Sept. 18, 2014. Kelly Cassels/Sanders, Bruin, Coll & Worley, P.A. has been retained by the County, entered his appearance Sept. 22, 2014 and has responded in behalf of the County.
3. *Wesmax, Ltd. V. Paul Baca, Lincoln County Assessor D-1226-CV-2014-00188* Appeal of the Final Order from Lincoln County Valuation Protest Board. Appeal filed Oct. 8, 2014. Case assigned to Basham & Basham/Dwyer. Record of Appeal and Transcript of Proceedings was filed Oct. 23, 2014.
4. \**Edward Rider/Brennon Moorhead v. The Board of County Commissioners, Brack Rains, Matt Christian, Robert Shepperd D 1226 CV 2015-00103* Complaint for Damages and Summons received June 15, 2015. Complaint alleges damages while Sheriff's Deputies were executing a search warrant at 132 Birch Street, Ruidoso. Removed to Federal Court July 7, 2015. Order Granting Defendants' Motion to Dismiss Defendants Lincoln County Board of Commissioners and Defendant Robert Shepperd, as no claims remain against them, filed Oct. 7, 2015. Second Amended Civil Complaint filed Nov. 4, 2015. Settlement Agreement and Release of All Claims signed by Plaintiff March 14, 2016. Order of Dismissal With Prejudice filed April 4, 2016 by Judge Wormuth.
5. A. *Preston, DeAnna v. County of Lincoln, Sheriff Robert Shepperd D-1226-CV-2015-00112* Notice of Appeal of Post Disciplinary Hearing filed June 10, 2015. Amended Complaint alleging Civil Rights Violation and Gender Based Discrimination filed on Oct. 13, 2015. Removed to Federal Court Nov. 12, 2015. Order Granting Defendant's Motion for Protective Order and stay of discovery filed January 29, 2016.  
B. *Preston, DeAnna: Notice of Charge of Discrimination* submitted to the U.S. Equal Employment Opportunity Commission July 21, 2015. Mediation was Oct. 29, 2015. Plaintiff requested a Right to Sue from the EEOC on January 29, 2016.
6. \**Valle del Sol v. Naron, et. al. D-1226-CV-2015-00166* Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage upon Real Property filed Sept. 24, 2015. Plaintiff's Motion for Summary Judgment was filed December 2, 2015. Motion Hearing took place January 19, 2016. Proposed Motion for Summary Judgment approved as to form February 5, 2016. Motion Hearing took place February 15, 2016 where Judge Bryant gave the parties until March 15, 2016 to resolve or Summary Judgement will be entered. Summary Judgment Against Defendants Willie E. Naron and Joanne R. Naron entered on March 23, 2016.
7. *Orlando Montes v. Pinnacle Propane, LLC, Allen Sultermeier, County of Lincoln, Lincoln County Fair Association, John Does; D-1226-CV-2016-00006* Complaint for Wrongful Death, Statutory Tort, Violation of Constitutional Rights (Due Process), Negligence Per Se: Loss of Consortium, Negligent Infliction of Emotional Distress filed with the 12<sup>th</sup> Judicial District Court Jan. 19, 2016. Incident occurred at Lincoln County Fairgrounds July 2, 2015. County was

served with Complaint on January 25, 2016. The case was removed to Federal Court Feb. 22, 2016.

8. *Walter Ray Seidel / Brian Ray Seidel v. Anthony Manfredi, Lincoln County Sheriff Department M-32-CV-2016-00036* Civil Complaint filed March 9, 2016 alleging personal and property damage.

**Lincoln County Ordinance Violations:**  
**Alan P. Morel: 12<sup>th</sup> Judicial District Attorney's Office**  
**Special Prosecutor**

9. \**State of N.M. v. Blaylock, Gregory M-30-MR-2016-00016* alleged violation of Lincoln County Ordinance 2014-04 Contraband in LCDC. The Non-Traffic citation was filed in the Magistrate Court on February 10, 2016. A misdemeanor arraignment was held on February 12, 2016 at which time the Defendant pled "Not Guilty." The Defendant is represented by the Public Defender's Office. A Pre-Trial Hearing was scheduled for Tuesday, March 29, 2016 at 9:00 a.m. on a Trailing Docket before Judge Mickie L. Vega, but due to Defendant's automobile accident March 28, a reset was scheduled for April 12, 2016 at 9 a.m. at which Defendant failed to appear. A bench warrant has been issued by the court for failure to appear in the sum of \$400 – cash only (\$300 fine and \$100 bench warrant fee).

10. \**State of N.M. v. Parks, Nicole M-30-MR-2016-00010* alleged violation of Lincoln County Ordinance 2008-08 Dogs Running At Large. The Non-Traffic citation was filed in the Magistrate Court on January 15, 2016. A misdemeanor arraignment was held on January 17, 2016 at which time the Defendant pled "No Contest." A Sentencing Hearing took place Tuesday, March 22, 2016 at 9:00 a.m. on a Trailing Docket before Judge Mickie L. Vega. Defendant advised the court she has gotten rid of the dog. Mr. Morel agreed to a 90 day deferred sentence, unsupervised probation, no fine and court costs of \$73. Agreement to Pay Fine and Fees filed March 22, 2016.

11. \**State of New Mexico v. Sanders, Robert J. M-30-MR-2015-00253* alleged violation of Lincoln County Ordinance 2008-08 Dogs Running at Large. The Non-Traffic citation was filed in Magistrate Court on December 23, 2015. The Defendant pled not guilty. A Pre-Trial Hearing was heard on March 29, 2016 at 9 a.m. on a Trailing Docket before Judge Vega where the Defendant pled No Contest and was found Guilty, sentenced to 90 days unsupervised probation concurrent with M-30-MR-2016-00001, fined \$300 with \$225 suspended and assessed court costs of \$73. Agreement to Pay Fine and Fees filed March 29, 2016.

12. \**State of New Mexico v. Sanders, Robert J. M-30-MR-2016-00001* alleged violation of Lincoln County Ordinance 2008-08 Dogs Running at Large. The Non Traffic citation was filed in Magistrate Court on January 5, 2016. The Defendant pled Guilty and was found Guilty and sentenced to 90 days unsupervised probation concurrent with M-30-MR-2015-00253, fined \$300 with \$225 suspended and assessed court costs in the sum of \$73. Agreement to Pay Fine and Fees filed March 29, 2016.

13. \**State of New Mexico v. Fragoso, Francisco M-32-MR-2016-00089* alleged violation of Lincoln County Ordinance 2008-08 Dogs Running at Large. The Non-Traffic citation was filed in Magistrate Court March 17, 2016. A First Appearance Hearing was scheduled for April 4, 2016. The Defendant pled No Contest and was found Guilty and received a deferred sentence subject to 90 days unsupervised probation, a \$25 donation to Crime Stoppers and court costs in the sum of \$73.

14. \**State of New Mexico v. Sandoval, Andrew D.* (case number unknown as of April 13, 2016) alleged violation of Lincoln County Ordinance 2008-08 Dogs Running at Large.. Deputy Kevin Kennedy of the Lincoln County Sheriff's Department prepared a Criminal Complaint which was delivered to the Carrizozo Magistrate Court for filing and issuance of a Summons to the Defendant.

**Tort Claims Notices Received or Threatened**

**2016**

**Rains, Bonnie** – Tort Claim Notice received January 18, 2016 alleging failure of the County of Lincoln to maintain road surfaces during snow or ice conditions.

**Brazel, Stephanie** – Tort Claim Notice received January 20, 2016 alleging injuries incurred due to Claimant stepping in an alleged uncovered water meter hole at 2801 Sudderth Drive, Ruidoso, NM.

**Seidel, Walter R., Jr.** – Tort Claim Notice received January 26, 2016 regarding a motor vehicle accident involving Claimant and a Lincoln County Sheriff's vehicle.

**Hill, Walter** – Tort Claim Notice received March 8, 2016 via emailed correspondence from Mr. Hill alleging the unlawful disclosure of confidential information from Mr. Hill's Lincoln County personnel file.

**Sonora Corporation (John Russell-CEO)**-Tort Claim Notice received April 6, 2016 via correspondence from Mr. Russell in response to a Notice of Investigation from NM Construction Industries Division due to an alleged lack of final inspection and deviation from approved plans of construction in 2012 at 119 Bald Eagle Court, Alto, NM.



**Jaramillo, Monica** – Tort Claim Notice received April 8, 2016 alleging Lincoln County road department employee in the performance of his road grading duties damaged Ms. Jaramillo's vehicle.

**Wagoner, John** – Tort Claim Notice received April 12, 2016 via telephone call to Mr. Morel's office when Mr. Wagner threatened suit against Lincoln County with respect to alleged accumulation of garbage at property on Highway 70.

## **2015**

**Cherry, Doris** – Tort Claim Notice posted in Lincoln County News Jan. 1, 2015 stating possible Civil Rights Violation lawsuits regarding alleged Americans with Disabilities Act non-compliance in remodeling the Lincoln County Courthouse buildings.

**McDaniel, Carl** – Tort Claim Notice received Jan. 23, 2015 from Attorney John Sugg alleging violation of the Unfair Trade Practices Act and engaging in unfair or deceptive trade practices and/or unconscionable trade practices by GSWA.

**UNM Hospital-Prins, Chad** – Tort Claim Notice received Feb. 26, 2015 in which UNM Hospital seeks reimbursement of expenses incurred while Lincoln County Detention Center inmate Prins was on furlough.

**Sehorn, Sean M.** – Tort claim Notice received March 2, 2015 from Attorney Gary Mitchell alleging Lincoln County Detention Center failed to provide adequate medical treatment during inmate Sehorn's incarceration.

**Lavin, Erica L. and Rathgeber, Jack** – Tort Claim Notice received March 2, 2015 from Attorney Gary Mitchell alleging Constitutional Rights were violated resulting in wrongful termination.

**Hanley, Constance** – Tort Claim Notice received March 20, 2015 from Attorney John Sugg alleging violations of 42 USC section 1983, malicious prosecution, failure to investigate, defamation of character, libel and abuse of process.

**Capitan Iron Mine through A. Blair Dunn** – Threatened Litigation on April 1, 2015 against the County of Lincoln should Lincoln County require Capitan Iron Mine comply with Lincoln County Mine Ordinance 2009-01.

**Chavez, Billy** – Ordinance Violation: 2009-03 Regulating Refuse, Solid Waste and Litter in the County. March 10, 2015 certified letter mailed to Mr. Chavez giving him 30 days to dispose of debris on his property at 142 White Cat Road, San Patricio (Section 26, Township-10S, Range 16E, tract of land lying in the NE 4SE4). April 10, 2015 the property was inspected and noted no progress had been made.

**Culp, Susan v. LCMC/Lincoln County**: Tort Claim Notice received May 4, 2015 from Attorney Katherine Channing Roehl/Roehl Law Firm alleging medical malpractice, negligent supervision, negligent credentialing by staff, administrators and doctors at LCMC on or about March 3, 2015 during Ms. Culp's gall bladder removal surgery.

**Reyes, Roberto** – Tort Claim Notice received May 15, 2015 from Attorney Timothy White/Valdez White Law Firm alleging illegal seizure, illegal search, illegal imprisonment and wrongful conduct of the Lincoln County Sheriff's Department.

**Torres, Leopoldo**: Tort Claim Notice received June 4, 2015 from inmate Torres alleging inmate-initiated attack on inmate Torres at Lincoln County Detention Center.

**Wallace, Stephen**: Tort Claim Notice received June 11, 2015 from Attorney Gary Mitchell alleging deprivation of Constitutional rights due to false incarceration at Lincoln County Detention Center without proceeding with a timely extradition.

**Rodriguez, Victor** – Tort Claim Notice received July 13, 2015 from Attorney W. Chris Nedbalek alleging hostile treatment from fellow employees while employed at Lincoln County Detention Center.

**Prudencio, Fabian and Corinne** – Tort Claim Notice received July 24, 2015 from Attorney Daniel P. Ulbarri alleging negligence, personal injury, spoliation, indemnification and property damage against the County of Lincoln.

**Yates, Barbara** – Verbal Threat against the County issued July 21, 2015 due to ongoing flooding at her private property.

**Davis, Jack and Rema** – Verbal Threat against the County issued July 21, 2015 due to ongoing flooding at their private property.

**Capitan Iron Mine** – Tort Claim Notice received Sept. 24, 2014 via email from A. Blair Dunn, alleging County trespass on private property.

**L. Phillip Onsrud** – Tort Claim Notice received Nov. 3, 2015 via email alleging lack of medical care while incarcerated in Lincoln County Detention Center.

**Brown, Shelly** – Tort Claim Notice received December 31, 2015 alleged failure of the County of Lincoln to maintain road surfaces during snow or ice conditions.

## **2014**

**Millerden, Kenneth and Anita** – Tort Claim Notice received May 9, 2014 from Attorney Victor F. Poulos alleging negligence from staff at Lincoln County Medical Center during prepartum care for their infant son.

**Ogden, John D** – Tort Claim Notice received May 26, 2014 alleging mistreatment while

incarcerated at Lincoln County Detention Center on March 11, 2014.

**Rounds, Christopher** – Tort Claim Notice received June 4, 2014 alleging being held in Lincoln County Detention Center without being advised of his charges.

**Herbert, Crystal** – Tort Claim Notice received June 23, 2014 from Attorney Matthew Coyte/Coyte Law alleging false imprisonment, due process violations, unlawful detention of a minor, emotional distress.

**Class Action** – Tort Claim Notice received June 23, 2014 from Attorney Ryan Villa/Cooper Law Firm alleging false imprisonment, false arrest, deprivation of rights at Lincoln County Detention Center that arise with Immigration and Customs Enforcement charges.

**Atwell, Stacey** – Tort Claim Notice received June 25, 2014 alleging unlawful seizure of her two minor children during a request for a deputy to assist in keeping the peace.

**McGarry, Sean** – Tort Claim Notice received July 25, 2014 from Attorney S. Doug Jones Witt alleging wrongful arrest, false imprisonment, malicious prosecution, intentional or negligent infliction of emotional distress, abuse of process, wrongful termination and retaliatory discharge regarding discharge from the Capitan Police Department.

**Ramos, Aaron** – Tort Claim Notice received August 7, 2014 alleging lack of Due Process for inmates at Lincoln County Detention Center.

**Lambert, David and Bonnie** – Tort Claim Notice received Sept. 8, 2014 from Attorney W. Chris Nedbalek alleging damage to Lambert property due to Mr. Rodney Bunsen using his own equipment to alter a platted County right of way without the authorization or knowledge of the County.

**Caughron, Brittany and Anderson, Amle** – Tort Claim Notice received Oct. 24, 2014 by Attorney W. Chris Nedbalek alleging overcrowding of Lincoln County Detention Center as a violation of 8<sup>th</sup> Amendment Rights.

**Ryen, Allen** – Tort Claim Notice received Oct. 27, 2014 by Attorney W. Chris Nedbalek alleging Mr. Ryen was exposed to unsanitary conditions at Lincoln County Detention Center.

**Inmate Group** – Tort Claim Notice received Oct. 27, 2014 by Attorney W. Chris Nedbalek alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.

**Caughron, Brittany and Anderson, Amle** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging inadequate medical care and overcrowding at Lincoln County Detention Center.

**Inmate Group** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.

**Long, Cameron** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging mistreatment by an Officer with Adult Probation and Parole.

**McClarnon, Brian** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging violations of U.S. Constitutional Amendment rights.

**Diana Martwick, 12<sup>th</sup> Judicial District Attorney** – Tort Claim Notice received Nov. 25, 2014 alleging lack of adequate office space provided by the County of Lincoln.

**Inmate Group** – Tort Claim Notice received Dec. 22, 2014 by attorney W. Chris Nedbalek alleging inmates were mistreated at Lincoln County Detention Center.

## **2013**

**Harrisburg Documents**– Attempts to recover Lincoln County documents illegally taken from the County. County Clerk Rhonda Burrows has been in contact with Harrisburg, PA in recovery efforts.

**Action:** Approve, Moved by Commissioner Draper, Seconded by Commissioner Allen.

**Vote:** Motion passed (summary: Yes = 4, No = 1, Abstain = 0).

**Yes:** Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

**No:** Chair Stone.

Chair Stone recessed the Regular Meeting and convened the Closed Session at 1:02 PM.

Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 2:50 PM.

Commissioner Willard attested that matters discussed in the closed meeting were limited to those specified in the motion for closure or in the notice of separate closed meeting.

## **16. Manager's Report**

- Ruidoso Valley Chamber of Commerce:** The Manager stated she had discussed a potential Lincoln County membership in the organization with Becky Brooks, Executive Director of the Ruidoso Valley Chamber of Commerce. The Manager discussed benefits of membership and reminded of the Chamber's sponsorship of Lincoln County Day in Santa Fe. The Manager expressed belief this event benefited Lincoln County through one-on-one meetings with legislators as well as State public

officials. The Manager recommended Lincoln County apply for a Blue Spruce membership at the cost of \$350 per year.

**Motion:** Authorize the Manager to obtain a Blue Spruce Membership with the Ruidoso Valley Chamber of Commerce, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Draper.

Commissioner Draper disclosed his current membership role as Past President of the Ruidoso Valley Chamber of Commerce. Commissioner Draper stated his position would expire in June of this year but volunteered to continue to attend meetings as the Lincoln County Representative

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

2. **Municipality Requests for Transferring of land:** The Manager reported two municipalities recently requested Lincoln County transfer ownership of land to the municipality. The Manager provided copy of the request from the City of Ruidoso Downs to transfer a parcel of roadway right-of-way and reminded the Mayor of the Town of Carrizozo requested the County transfer ownership of land currently serving as a baseball park during a recent meeting. The Manager stated she researched the question with Attorney Morel and also sought advice from NM Department of Finance and Administration regarding intergovernmental transfers of land.

Attorney Morel informed the decision on the proposed transfer of the two properties was at the discretion of the Board of County Commissioners with the understanding any road transfers would result in a decrease in the annual road mileage reported to the State. Attorney Morel stated the transfers would require an assessment of current value and the final transfer process was dependent on the value.

**Motion:** Transfer ownership of Lincoln County property parcel located within Ruidoso Downs to the City of Ruidoso Downs contingent upon the assumption of all associated costs of transfer by the City of Ruidoso Downs, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

**Motion:** Transfer ownership of Lincoln County property within Carrizozo to the Town of Carrizozo contingent upon the assumption of all associated costs of transfer by the Town of Carrizozo, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Draper.

**Vote:** Motion passed (summary: Yes = 4, No = 1, Abstain = 0).

**Yes:** Chair Stone, Commissioner Allen, Commissioner Draper, Commissioner Willard.

**No:** Commissioner Stewart.

3. **Socorro County Detention Center Grand Opening:** The Manager reported she toured the new facility which was smaller in size and also a closed cell design rather than the open dormitory structure of the Lincoln County Detention Center.
4. **National Civilian Community Corps Group will be in the County for several months:** The Manager informed the New Mexico Juvenile Justice Board was sponsoring a group from the National Civilian Community Corps to assist with various projects in Lincoln County including working with students at the Hondo Schools; creating a park and walkway for the Humane Society; conducting preservation work at Ft. Stanton and in Lincoln; and also working on trail projects for the Bureau of Land Management and the US Forest Service.
5. **Clarification to March 15, 2016 Commission-Approved FEMA Projects:** The Manager discussed prior action taken during the March Regular Commission Meeting to approve funding for several FEMA projects. The Manager informed the Commission took action to approve FEMA projects for the next fiscal year which correctly identified the appropriate projects but the funding match was mistakenly approved as \$147,310.75 and the actual required match for approved projects was \$55,341.27.



**Motion:** Reconsider the motion to approve funding for 2016 FEMA projects, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Stewart.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

**Motion:** Reduce the approved funding amount for 2016 FEMA projects from \$147,310.75 to \$55,341.27, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Stewart.

**Vote:** Motion passed on a roll call vote (summary: Yes = 3, No = 2, Abstain = 0).

**Yes:** Commissioner Stewart, Commissioner Draper, Commissioner Willard.

**No:** Chair Stone, Commissioner Allen.

#### 6. Calendar of Events:

- a. April 20, 2016: Fair Board / Livestock Meeting
- b. April 21, 2016: Internal Finance Meeting
- c. April 21, 2016: Lincoln County Historic Preservation Board Meeting
- d. May 2, 2016: Commission Budget Meeting / Public Hearing
- e. May 6-7, 2016: Smokey Bear Days
- f. May 17, 2016: Regular Commission Meeting

#### 7. Departmental Updates:

a. **Joe Kenmore, Director Office of Emergency Services** reported on several fires over the past month including the Moon Mountain Fire. Mr. Kenmore stated the County's Code Red system was utilized during the Moon Mountain Fire to provide notice of potential evacuations. Mr. Kenmore introduced Rick Hall as the new part time OES staff member. Mr. Kenmore stated Mr. Hall had 45 years of experience as a firefighter and would assist County Fire Departments with preparations for ISO rating reviews and also serve as an additional firefighter.

b. **Curt Temple, Planning Director** informed he attended the Sacramento Wood Industry Summit and served on a panel providing information to potential contractors about local contacts for potential contracts. Mr. Temple reported work was progressing on the new compactor site on Cora Dutton Road. Mr. Temple stated Ordinance Administrator Samantha Mendez submitted grant applications for security cameras for compactor sites and also a grant application for a mobile generator. Mr. Temple reported the Village of Ruidoso was willing to enter into a lease agreement with the County for the current compactor site in Lincoln but the location previously identified for a compactor site in Alto was unavailable and the County would seek another site.

c. **Joel Bonnell, Road Superintendent:** Ms Taylor provided an update for Mr. Bonnell informing the job description for Operator IV was advertised internally and four applications were received.

#### 17. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims

Mr. Annala discussed the New Mexico Human Services Department's (HSD) projected Medicaid funding shortfall and subsequent HSD actions to identify offsets. Mr. Annala stated current recommendations included a 5% reduction to providers for inpatient costs and a 3% reduction for outpatient services. Mr. Annala noted the recommendations for costs containment as identified by an appointed committee were subject to public comment and then scheduled for enactment on July 1, 2016.

Mr. Annala presented the Safety Net Care Provider Pool claims for approval. Mr. Annala processed 19 claims with 18 recommended for approval and 1 recommended for disapproval for a monthly authorization of \$24,402. Mr. Annala stated approval of the claims would result in a total approval to date of Safety Net Care Pool claims for Fiscal Year 2015-2016 of \$188,066 or a monthly average of \$18,806.

Mr. Annala presented the Indigent Health Care Payments request for the month. Mr. Annala processed 5 claims with 4 claims recommended for approval and 1 claim recommended for disapproval for a total payment this month of \$2,999.94. Mr. Annala stated approval of the claims would result in a total expenditure to date for IHC claims for Fiscal Year 2015-2016 of \$

64,480 or a monthly average of \$ 6,448. Mr. Annala stated based on the current monthly average he anticipated an annual expenditure of \$ 77,376 for the current fiscal year.

**Motion:** Approval and denial of the claims as indicated for the Safety Net Care Pool and Indigent Health Care as recommended.

**Action:** Approve, Moved by Commissioner Stewart, Seconded by Commissioner Allen.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

There was a general discussion regarding payments to Presbyterian Hospital from the Indigent Fund as well as the tracking of "Safety Net Care Pool" related claims.

Mr. Annala also informed ambulance payments formerly made to Lincoln County Medical Center were no longer submitted by LCMC and stated local ambulance services were subcontracted with a service from Albuquerque. Mr. Annala reminded a change in providers of services required County Commissioners approve a new contract for payment of Indigent Services.

Attorney Morel commented Lincoln County held a Certificate of Public Convenience and Necessity for ambulance services assigned to Lincoln County Medical Center. Attorney Morel stated any change in providers would necessitate a review of the licensure.

**SEE EXHIBIT B:** Copies of the Safety Net Care Pool and Indigent Health Care Payments are attached hereto in reference thereto made a part hereof.

#### **18. County Volunteer Fire Departments Matters (continued)**

##### **1. New Mexico State Fire Marshal and County Fire Departments – Partnership Agreement**

Joe Kenmore, OES Director informed the agreement facilitated the OES Department's ability to "secure the scene" in the event of a fire for further investigation. Mr. Kenmore noted the Lincoln County OES staff do not conduct investigations which is the responsibility of the State Fire Marshal.

**Motion:** Approve the agreement with the NM State Fire Marshal, **Action:** Approve, Moved by Commissioner Stewart, Seconded by Commissioner Willard.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

##### **2. Lincoln Fire District Request to Purchase of a New Tanker**

Ms. Taylor informed the Lincoln Fire District submitted a request to and received approval from the State Fire Marshall for the purchase of a new tanker. Ms. Taylor informed the State Fire Marshall required final approval from local government.

Joe Kenmore, OES Director detailed the Lincoln Fire Department's current budget and stated the department would not require a loan from the New Mexico Finance Authority for this purchase.

**Motion:** Approve the Lincoln Fire District's purchase of a new tanker, **Action:** Approve, Moved by Commissioner Stewart, Seconded by Commissioner Allen.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

#### **19. Award of Bids:**

Ms. Taylor informed bid proposals were received and opened on April 18, 2016. Ms. Taylor detailed the bids received as follows:

##### **a. 15-16-008 Chip Seal Cora Dutton Road**

Mesa Verde Enterprises, Inc.	\$170,239.82
Blue Collar Construction, LLC	\$283,360.00

GM Emulsion, LLC \$ 46,718.00

- b. 15-16-009 Chip Seal Paintbrush Court, Woodpine Court, Stag Loop and Musketball Drive

Mesa Verde Enterprises, Inc. \$ 36,636.91  
 Blue Collar Construction, LLC \$ 43,350.25  
 GM Emulsion, LLC \$ 46,718.00

- c. 15-16-010 Deep Asphalt Pavement Patching on Gavilan Canyon Road

Mesa Verde Enterprises, Inc. \$292,767.37 (\$252.39/square yard)  
 \*Reduced Bid for 642 square yards \$162,000.00

**Motion:** Award Bid 15-16-008 to Mesa Verde for \$170,239.82; Award Bid 15-16-009 to Mesa Verde for \$36,636.91; and Award Bid 15-16-010 to Mesa Verde for 642 square yards for \$162,000. **Action:** Approve, Moved by Commissioner Stewart, Seconded by Commissioner Draper.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

## 21. Authorization to Issue Request for Proposal for Environmental Consultant Services

Ms. Taylor provided a timeline of events beginning with Lincoln County's application for a FEMA Hazard Mitigation Grant after the 2012 Little Bear Fire. Ms. Taylor stated the grant was to develop agreements with local landowners to conduct thinning on private property to create defensible space to protect private and public property and infrastructure.

Ms. Taylor discussed the Education and Outreach activities associated with the grant including public meetings as well radio and newspaper advertisement to help identify areas of interest. Ms. Taylor noted the next step included a FEMA required Cost Benefit and Analysis which was completed under the direction of Curt Temple, Planning Director.

Ms. Taylor discussed the current requirement for an Environmental Assessments on each property prior to beginning actual thinning. Ms. Taylor stated Lincoln County requested a separation of funding for this phase of the grant project and prior authorization of \$288,289 in funding was received from FEMA. Ms. Taylor stated the Lincoln County match for expenditure of these funds was \$72,072.25. Ms. Taylor requested authority to issue a Request for Proposals for Environmental Consultant Services to conduct the required NEPA Environmental Assessments.

Curt Temple, Planning Director discussed the identification of strategic areas for thinning to assist in mitigation of wildfire risk particularly to more populated areas. Mr. Temple reminded all thinning under this grant proposal was targeted for private property. Mr. Temple noted the expenditure of federal funds necessitated an environmental assessment regardless of whether work was conducted on private or public property.

**Motion:** Approve issuance of the Request for Proposal for Environmental Consultant Services, **Action:** Approve, Moved by Commissioner Stewart, Seconded by Commissioner Draper.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

## 22. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance

- Notice of Special Meeting & Public Hearing for May 2, 2016
- Adoption of the Preliminary Budget FY 2016-2017 May 17, 2016
- Public Hearing to set additional solid waste services and rates by Resolution

**Motion:** Schedule Public Hearings to consider and adopt the Preliminary Budget on May 2, 2016 and May 17, 2016, **Action:** Approve, Moved by Commissioner Draper, Seconded by Commissioner Allen.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

**23. Consideration of Appointments and Removal from Boards/ Commissioners/ Committees:**

- a. Lodger's Tax Committee
- b. Planning Commission
- c. Senior Citizens Olympic Committee

**Motion:** Reappoint Paul Kunkle to the Senior Citizens Olympic Committee, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

**Vote:** Motion carried by unanimous vote (summary: Yes = 5).

**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

**24. Signing of Official Documents**

**25. Next meetings:**

- a. May 2, 2016 - Special Meeting
- b. May 17, 2016 - Regular Meeting

**26. Adjourn**

There being no further business to come before the Board of County Commissioners, Chair Stone adjourned the meeting at 4:05 PM.

County of Lincoln  
Board of County Commissioners

  
Preston Stone, Chair

  
Dallas Draper, Vice Chair

  
Elaine Allen, Member

  
Thomas F. Stewart, Member

  
F. Lynn Willard, Member

ATTEST:

  
Rhonda Burrows, County Clerk

May 17, 2016  
Date Approved

